



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 10, 2006

John H. Hammergren, President
McKesson Corporation
One Post Street
San Francisco, CA 94104

Re: 104 (e) Request for Information - Omega Superfund Site
Former McKesson Chemical facility, 9005 Sorensen Avenue, Santa Fe Springs, CA

Dear Mr. Hammergren:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the Site). As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs); including but not limited to, perchloroethylene (PCE), freons, trichloroethylene (TCE), and methylene chloride. Answers to the questions in Attachment B will provide us some of the information we need for this site investigation.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

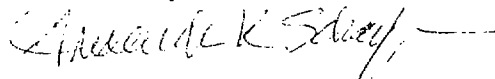
Linda Ketellapper, SFD-7-B
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Thanne Cox, Assistant Regional Counsel at (415) 972-3908 or Linda Ketellapper, Case Developer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Chris Lichens at (415) 972-3149.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick K. Schauffler", followed by a horizontal line.

Frederick Schauffler, Chief
Site Cleanup Section 4
Superfund Division

Enclosures (2)

cc: Thanne Cox, EPA ORC
Linda Ketellapper, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F. R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California
Environmental Protection Agency

Science Applications International Corporation
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.
EPA Contract Number 68-W-98-225

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term "you" or "Respondent" should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment,

including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term "documents" includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of McKesson Corporation.
2. Identify and explain all former business forms used by McKesson Corporation (e.g., sole proprietorship, general partnership, limited partnership, joint venture or corporation). State the entire time period during which the business operated under each separate business form.
 - a. Provide a copy of the Articles of Incorporation, Partnership Agreement, Articles of Organization or any other documentation demonstrating the particular business form, together with any and all amendments, for all business forms under which the business is or was ever operated.
 - b. If the business is or was operating under a fictitious business name, identify the fictitious name and the owner(s) of the fictitious name, and provide a copy of the Fictitious Business Name Statement filed with the county in which it is or was doing business.
 - c. Identify and explain any and all sales of the company's assets if the sale represented a sale of substantially all of the assets of the business and identify and explain any investments in another business, company or corporation equating to 5% or more of that company by McKesson Corporation, its predecessors, subsidiaries and affiliated businesses, from the formation of McKesson Corporation as a business to the date of this letter.
3. Documentation obtained by EPA indicates that on or about December 15, 1975, Foremost-McKesson, Inc., a Maryland corporation, ("Foremost-McKesson") entered into an agreement to lease the real property located at 9005 Sorensen Avenue, Santa Fe Springs, California (the "Property") and that McKesson Corporation has stated that it is a successor to Foremost-McKesson and, as such, has succeeded to its obligations under said lease. Explain in detail the nature of the transaction by which McKesson Corporation assumed the liabilities of Foremost-McKesson, Inc. in connection with the Property and state whether McKesson Corporation has also succeeded to Foremost-McKesson's environmental liabilities as well. Provide copies of all documentation evidencing such assumption of liabilities including, but not limited to, any asset purchase agreements, assumption agreements, merger agreements or stock purchase agreements. In addition, provide a copy of the aforementioned December 15, 1975 lease agreement, together with any and all amendments thereto.
4. If McKesson Corporation did not assume the environmental liabilities of Foremost-McKesson in connection with the Property, state whether another entity assumed such environmental liabilities and provide that entity's name and status, if known. Provide copies of all documentation in your possession evidencing such assumption of liabilities.

5. Explain the circumstances and rationale behind McKesson Corporation's statement in the currently pending case filed against McKesson Corporation by Angeles Chemical Company that McKesson Corporation is the successor-in-interest to Foremost-McKesson and state whether in its capacity as successor-in-interest, McKesson Corporation assumed the environmental liabilities of Foremost-McKesson.
6. Documentation obtained by EPA shows that in 1997, LP Holding Corporation (f/k/a McKesson Corporation f/k/a Foremost-McKesson), a Maryland corporation, merged with and into PCS Holding Corporation (n/k/a AdvancePCS Holding Corporation), a Delaware corporation. Provide copies of all documentation evidencing this merger transaction, including the merger agreement itself and any other documents relating thereto.
7. State whether PCS Holding Corporation (n/k/a AdvancePCS Holding Corporation) assumed the environmental liabilities of LP Holding Corporation (f/k/a McKesson Corporation f/k/a Foremost-McKesson) as part of the merger between these two entities. If so, provide copies of all documentation evidencing such assumption of liabilities. If not, explain why PCS Holding Corporation did not succeed to these liabilities and provide documentation in support of your statement.
8. Describe the corporate affiliation between McKesson Corporation, a Delaware corporation, and AdvancePCS Holding Corporation. Provide copies of all documentation evidencing such affiliation.
9. Describe the corporate affiliation between McKesson Corporation, a Delaware corporation, and McKesson Chemical Company. Provide copies of all documentation evidencing such affiliation.
10. Documentation obtained by EPA indicates that McKesson Corporation (f/k/a Foremost-McKesson), a Maryland corporation, contemplated a reincorporation in the State of Delaware sometime in 1987 or 1988. State whether this reincorporation was completed, and, if it was, provide copies of all documentation evidencing such reincorporation.
11. State whether McKesson Corporation continues to lease the Property. Provide copies of all documentation evidencing such current leasehold.
12. State whether McKesson Corporation currently subleases, or in the past has ever subleased, the Property to another individual or entity. Provide copies of all documentation evidencing such current or past sublease arrangement.
13. State whether McKesson Corporation currently operates at the Property. If so, describe its operations.
14. State whether any other entities affiliated with McKesson Corporation ever operated at the Property and identify such entities. For each such entity, set forth the periods of

operation at the Property, the nature of its operations, and provide copies of all documentation evidencing each such entity's operations at the Property.

15. List all EPA Identification numbers issued to McKesson Corporation or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents in connection with the Property and set forth the address and exact name associated with each such number. Provide all documentation evidencing the issuance to McKesson Corporation or its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents of each such EPA Identification number.
16. Provide a list of all former and/or current employees who were employed at the Property at any time during the period that McKesson Corporation or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents were associated with the Property. For each employee listed, provide the following information:
 - a. The employee's full name;
 - b. The employee's Social Security Number;
 - c. The employee's current or last known address(es) and telephone number(s), including the last known date on which you believe each address and telephone number was current;
 - d. Identify the entire time period that the employee worked at the Property and specify whether the employee is a current or former employee; and
 - e. The position(s) the employee held with each business entity during his or her entire period of employment at the Property and the year or years that the employee held each listed position.
17. Identify and explain all current and past business operations conducted at the Property by McKesson Corporation or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents. Each description of each such operation shall include such information as the dates of operation, the product or products made and a detailed description of the production process or processes. For each such production process, provide the following information:
 - a. A scaled map of the Property which includes the locations of process areas, buildings and features. Describe the physical characteristics of the Property including, but not limited to, the following:
 - 1) Surface structures (e.g., buildings, tanks, containment and/or storage areas, etc.), including dates of operation or use;
 - 2) Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers, etc.), including dates of operation or use;

3) Identify the contents of any above- or under-ground tanks, or any other storage container or unit (including storage buildings) on the Property. As part of your response to this question, provide a timeline or chart detailing the substance stored in each tank or container along with the dates each substance was stored in such tank or container.

b. Indicate the location of all waste storage and disposal areas. Identify the quantities, kinds of wastes (e.g., solvents, waste water) and methods of accumulation, storage, and/or disposal for each location identified in response to this question.

c. Provide a list of all chemicals or raw materials stored on the Property or used in production on the Property, identifying the chemical composition and the quantities used at any point in time during the ownership or occupation of the Property by McKesson Corporation or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents. Provide Material Safety Data Sheets (MSDSs) for all such chemicals or raw materials, if appropriate. Provide all existing documents concerning the quantities of such chemicals or raw materials purchased and/or used on or near the Property.

d. Describe the processes and procedures for receiving, storing, distributing and handling chemicals identified in question 17(c) above.

e. Provide copies of all waste manifests that identify a generator located at the Property at any time during the period in which McKesson Corporation or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents operated at the Property.

18. Provide a list of all technical or analytical information relating to the Property, regardless of the date(s) such information was prepared or generated, including, but not limited to: a) reports; b) data and other documents related to soil, water (ground and surface), geology, hydrogeology, soil sampling, soil gas sampling, ground water sampling, or air quality on and about the Property; and c) any known releases of hazardous substances to any medium (soil, water or air) on and/or about the Property. A subsequent request may then be made to obtain any or all of these documents.



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